

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: * Case No. 20-30597
* Chapter 13 (Judge Humphrey)

Neicy B. Davis

Debtor

*
*
*
*
*
*
*

**OBJECTION TO PROOF OF CLAIM
OF CREDITOR AND NOTICE**

Now comes the Debtor, by and through her undersigned Counsel, and objects to the Proof of Claim of U.S. Bank, National Association, not in its individual capacity but solely as trustee for RMAC Trust, Series 2016-CTT pursuant to applicable local bankruptcy rules, and as grounds therefore state as follows:

1. The grounds for this objection is that the claim filed by U.S. Bank National Association c/o Rushmore Loan Management Services LLC does not recognize the loan modification that the Debtor entered into with her mortgage company.

2. The proof of claim objected to was filed by U.S. Bank, National Association c/o Rushmore Loan Management Services LLC on April 23, 2020, Court Claim No. 2, Trustee's Claim Nos. 1,2 and 3 in the total amount of \$70,604.78.

3. The Debtor proposes that the claim filed by the U.S. Bank National Association c/o Rushmore Loan Management in the total amount of \$ 70,604.78, Court Claim 2, Trustee's Claim Nos. 2 and 3, should be disallowed. Court Claim No. 2, Trustee's Claim No. 1, in the monthly mortgage payment of \$479.01 should be paid in the amount of \$409.00 as set forth in Debtor's Amended plan filed with the Court on June 15, 2020 (Docket No. 25) until the Court determines the exact amount of her monthly mortgage payment based on Debtor's loan modification agreement.

4. A response to this objection to proof of claim must be filed within 30 days of the date set forth on the certificate of service.

Respectfully submitted,

/s/ Andrew J. Zeigler
Andrew J. Zeigler, #0081417
Case Attorney for Debtor
1340 Woodman Drive
Dayton, Ohio 45432
(937) 252-2030
(937) 252-9425 (FAX)
Email: andrew@kzlawohio.com

**NOTICE OF OBJECTION TO CLAIM
OF U.S. BANK NATIONAL ASSOCIATION C/O RUSHMORE LOAN
MANAGEMENT SERVICE, LLC**

THIRTY (30) DAY NOTICE

Andrew J. Zeigler, Case Attorney for the Debtor has filed an Objection to Claim of U.S. Bank National Association c/o Rushmore Loan Management Services, LLC.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Objection to Claim of the U.S. Bank National Association c/o Rushmore Loan Management Services, LLC you must file with the Court a response explaining your position by mailing your response by regular U.S. Mail, to Clerk, US Bankruptcy Court, Southern District of Ohio, 120 W. Third Street, Dayton, Ohio 45402 OR your attorney must file a response using the Court's ECF System.

The Court must receive your response on or before the above date.

You must also send a copy of your response either by 1) the Court's ECF System or by 2) regular U.S. Mail, addressed to:

Neicy B. Davis, 39 Vassar Drive, Dayton, Ohio 45406

Andrew J. Zeigler, Case Attorney for Debtors, 1340 Woodman Drive, Dayton, Ohio 45432

John G. Jansing, Chapter 13 Trustee, 131 N. Ludlow, Suite 900, Dayton, Ohio 45402

Office of the U.S. Trustee, 170 North High Street, Suite 200, Columbus, Ohio 43215

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the objection and may enter an order granting the relief sought without further hearing or notice.

/s/ Andrew J. Zeigler

Andrew J. Zeigler, #0081417

Case Attorney for Debtor

1340 Woodman Drive

Dayton, Ohio 45432

(937) 252-2030

(937) 252-9425 (FAX)

andrew@kzlawohio.com

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2020 a copy of the foregoing Objection to Proof of Claim of U.S. Bank National Association c/o Rushmore Loan Management Services LLC was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court.

John G. Jansing, Chapter 13 Trustee
U.S. Trustee
U.S. Bank National Association c/o Christopher P. Kennedy

And on the following by ordinary U.S. Mail, postage prepaid, on August 17, 2020 addressed to:

U.S. Bank National Association c/o Rushmore Loan Management Services LLC, 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618

Neicy B. Davis, 39 Vassar Drive, Dayton, Ohio 45406

And on the following by CERTIFIED U.S. Mail, Postage Prepaid, on August 17, 2020 addressed to:

Andy Cecere CEO of U.S. Bank, US Bank Corporate Headquarters, 800 Nicollet Mall, Minneapolis, MN 55402

Rushmore Loan Management Services LLC as a Foreign Limited Liability Company c/o Corporation Service Company, Statutory Agent, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215

/s/ Andrew J. Zeigler_____